

## REMARKS

In response to the Office Action mailed on 6th June, 2005, Applicant wishes to enter the following remarks for the Examiner's consideration. Applicant has amended claims 31, 62 and 67. Claims 1-8, 10-13, 15-41 and 43-67 are pending in the application.

### **Rejection of claims under 35 USC §103(b)**

Claims 31 and 62 have been rejected under 35 USC §103(a) as being unpatentable over Osborne (6,088,588) in view of Zhang (US Patent Application No. US 2001/0049263). Applicant respectfully traverses this rejection of the claims.

In the response to a previous office action, Claims 31 and 62 were rewritten in independent form and amended to specify that the collection communication device was a collection communication terminal, to clarify that the collection device was not network server or a base station. In the current office action, the examiner has opined that the use of mobile telephone as a repeater is well known in the art and is equivalent to the collection communication terminal of claims 31 and 62.

The use of a collection device is described in the specification on page 8, line 15 to page 9, line 16, for example. The use of a collection device "reduces the number of direct communications occurring across the communication link to the network server". Further, page 5, lines 22-26 of the specification states: "Examples of communication devices include, but are not limited to, wireless communication devices such as a handsets or cellular telephones, telematics devices or modules (such GM's OnStar System), personal computers (PCs), consumer appliances such as set-top boxes, and personal digital assistants (PDAs)." All of these exemplary devices are portable devices, not base stations or servers.

Claim 31 has been further amended to include the element of "aggregating the user interaction data from a plurality of users on the collection portable device to generate aggregate user interaction data". This element is described in the specification on page 8, line 15 to page 9, line 16, for example. This aggregation function is not performed by a simple repeater.

Claim 62 has been amended similarly to clarify that the collection portable device aggregates user interaction data from a plurality of users to generate aggregate user interaction data and transmits the aggregate user interaction data to a server of a network operator of the communication network. A simple repeater does not perform aggregation.

Applicant submits that the basis rejection of claims 31 and 62 have been overcome and requests that a Notice of Allowance for claims 31 and 62 be mailed at the Examiner's earliest convenience.

Claim 67 has been rejected under 35 USC §103(a) as being unpatentable over Osborne (6,088,588) in view of Zhang (US Patent Application No. US 2001/0049263), and further in view of Loomis et al. (5,625,668). Applicant respectfully traverses this rejection of the claim.

Claim 67 has been amended to include the element of aggregating the user interaction data on the collection communication device to generate aggregate user interaction data. This element is described in the specification on page 8, line 15 to page 9, line 16, for example

The Zhang, Osborne and Loomis references, whether considered separately or together, do not teach or otherwise suggest "transmitting the user interaction data to a collection communication device of the plurality of user communication devices and aggregating the user interaction data on the collection communication device", since simple repeater does not perform an aggregation of data.

Applicant submits that the basis rejection of these claims has been overcome and requests that a Notice of Allowance for these claims be mailed at the Examiner's earliest convenience.

#### **Allowable Subject Matter**

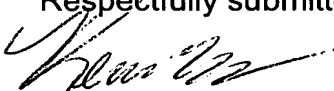
Claims 1-13, 15-30, 32-61 and 63-66 have been allowed.

In light of the foregoing amendments and explanations, applicant submits that all rejections of claims have been overcome. Allowance of claims

is therefore respectfully requested at the Examiner's earliest convenience. Although additional arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

Please contact the undersigned if you have any questions regarding this application.

Respectfully submitted,



Renee' Michelle Leveque

Leveque Intellectual Property Law, P.C.  
Reg. No. 36,193  
221 East Church Street  
Frederick, Maryland 21701  
301-668-3073  
Attorney for Applicant(s)